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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,667	07/15/2003	Fabrice Le Leannec	01807.002379	5897
5514 7590 06/27/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER DAILEY, THOMAS J	
			ART UNIT 2152	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/618,667	<b>Applicant(s)</b> LE LEANNEC ET AL.	
	<b>Examiner</b> Thomas J. Dailey	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/28/2005</u> , <u>11/22/04</u> , <u>9/2/03</u>               | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-44 are pending in this application.

***Claim Objections***

2. The claims in this application do not comply with 37 CFR 1.75(i). The applicant is reminded that where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

Appropriate correction is required.

3. Claims 2-11 and 3-22 recite, "A method according to claim..." To be proper dependent claims they need to recite, "The method according to claim..."

Appropriate correction is required.

4. Claims 13-22 and 30-34 recite, "A device according to claim ..." To be proper dependent claims they need to recite, "The device according to claim..."

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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6. Claims 43-44 are rejected under 35 U.S.C. 101 because the claims are directed toward non-statutory subject matter.
7. Claims 43 and 44 recite, "A computer program that can be loaded into a programmable apparatus..." Software alone is functional descriptive material which is non-statutory.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. Claims 1, 4-6, 12-13, 15-17, 23, 26, 29, 32, and 34-35 use the term "adapted to", e.g. "at least one pointer marker present in the signal and adapted to provide the length..." on lines 8-9 of claim 1. Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure (see MPEP 2111.04). Therefore the claims are rendered indefinite by the use of the term "adapted to."

11. Claims 1, 12, 23, and 29, recite "determining the position, in the body of the signal, of at least one data packet corresponding to the request according, *on the one hand*, to the length of the header data **and**, *on the other hand*, to at least one pointer marker present in the signal and adapted to provide the length of the part of the body preceding the data packet under consideration." The claims recite a contradictory compound statement by using the phrases "on the one hand" and "on the other hand" with an "and." It is unclear what the applicant intends to claim: determining the position based upon either the length of the header data or the pointer marker; determining the position based upon the length of the header data and the pointer marker; or both of the previous interpretations (essentially an and/or scenario).

12. Claims 1, 12, 23, and 29 recite, "a signal body comprising in particular data packets" (lines 5-6). In particular data packets is an ambiguous limitation that has no reasonable interpretation, therefore rendering the claims indefinite.

13. Claims 4, 15, 26, and 32 recite, "to provide *in particular* the length of the data packet." Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The phrase "in particular" should be eliminated from the claims.

14. Claims 5-6 and 16-17 are rejected due to lack of antecedent basis for the following limitations:

(a) Claims 5 and 16 – “the pointer marker (TLM)”

(b) Claims 6 and 17 – “the pointer marker (PLT)”

15. Claims 7, 11, 13, 18, 20-21, 27-28, 30, 33, 35, 36-38, and 43-44 use the term “it.”

It is unclear what “it” refers to in the claims and therefore “it” lacks antecedent basis. The applicant should use language such as “said device” or “said method” etc.

16. Claims 24 and 34 recite, “the means of determining the length of the part of the body of the signal preceding the data packet under consideration comprise *in particular* means of determining the order of appearance.” Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The phrase “in particular” should be eliminated from the claims.

17. Claim 35 recites, “a valid signal which comprises *more particularly*.” Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The phrase “more particularly” should be eliminated from the claim.

18. Claims 37-39 recite, "A communications apparatus, wherein it comprises a device for processing according to claim..." It is unclear whether the claims are independent apparatus claims or dependent claims further limiting the referenced claims. If they are independent claims, they should be written as such and not refer back to any other claims.
19. Claims 39-42 recite, "An information storage means readable by a computer or a microprocessor comprising code instructions of a computer program for executing the steps of the method of processing a request according to claim ..." It is unclear whether the claims are independent storage means claims or dependent claims further limiting the referenced claims. If they are independent claims, they should be written as such and not refer back to any other claims.
20. Claims 43-44, recite, "A computer program that can be loaded into a programmable apparatus, wherein it comprises sequences of instructions or portions of software code for implementing the steps of the method of processing a request according to claim..." It is unclear whether the claims are independent computer program claims or dependent claims further limiting the referenced claims. If they are independent claims, they should be written as such and not refer back to any other claims.

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21. Claims 43-44, recite, "A computer program that *can be* loaded into a programmable apparatus." The use of the phrase "can be" renders the claim indefinite because an invention should not be defined as to what it can or may do.

22. Any claim not previously addressed is rejected due to their dependence on the previously rejected claims.

***Claim Rejections - 35 USC § 102***

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

24. Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Boliek et al (US Pub. No. 2003/0018818), hereafter "Boliek."

25. As to claim 1, Boliek discloses a method of processing a request coming from a first communication apparatus connected through a communication network to a



remote second communication apparatus (Abstract), the method comprising a step of:

receiving the request for obtaining digital data of a compressed digital signal that comprises header data and a signal body comprising in particular data packets ([0039] and [0033] discloses that the codestream comprises a main header and tiles that make up the signal body),

wherein the processing of the request comprises a step of

determining the position, in the body of the signal, of at least one data packet corresponding to the request according, on the one hand, to the length of the header data and, on the other hand, to at least one pointer marker present in the signal and adapted to provide the length of the part of the body preceding the data packet under consideration ([0043], the client request specific ranges of bytes in the codestream using the starting point in memory, i.e. the position in the body of the codestream).

26. As to claim 12, Boliek discloses a method of processing compressed digital data received by a first communication apparatus connected through a communication network to a remote second communication apparatus (Abstract), the method comprising

a step of receiving at least one data packet coming from a compressed digital signal present in the second apparatus and comprising a body that comprises in particular data packets ([0042], lines 5-12, client (first apparatus) requests an

image (compressed digital signal) from a server(second apparatus)), wherein the method comprises the following steps:

determining a position at which said at least one data packet must be inserted into the body of a compressed digital signal derived from the compressed digital signal present in the second apparatus and which is capable of containing all or part of the body of this compressed digital signal ([0033] discloses that a header for each tile-part describes the position of each tile part in the codestream and [0050] discloses how the client can receive at of order data packets), the derived signal also comprising header data, the position being determined according, on the one hand, to the length of the header data and, on the other hand, to at least one pointer marker previously received and inserted into the signal by the first apparatus and which is adapted to provide the length of the part of the body preceding said at least one data packet, inserting into the body of the derived signal said at least one data packet at the position thus determined ([0033]).

27. As to claims 23, 37, 39, 41, and 43, they are rejected by the same rationale set forth in claim 1's rejection.

28. As to claims 29, 38, 40, 42, and 44, they are rejected by the same rationale set forth in claim 12's rejection.

29. As to claims 2 and 24, Boliek discloses the determination of the length of the part of the body of the signal preceding the data packet under consideration comprises a preliminary step of determining the order of appearance of said data packet in the body of the signal, according to parameters relating to the structure and organization of the data in the signal ([0033], lines 6-11).

30. As to claim 3, 14, 25, and 31, Boliek discloses the compressed digital signal is partitioned into a number  $n$  of independently compressed regions  $t_{sub.i}$ ,  $i=1$  to  $n$  and  $n \geq 1$ , the body of the signal comprising, for each region, region header data and a region body containing data packets of the region under consideration ([0033], tile-parts are the independently compressed regions and each tile-part has a header and body).

31. As to claims 4, 15, 26, and 32 Boliek discloses the length of the part of the body of the signal preceding the data packet under consideration is determined from:

at least one pointer marker PLT adapted to provide in particular the length of the data packet or packets preceding the data packet under consideration in the region where this packet is located ([0052]),

the length of the header data of the region where the packet under consideration is located and, when one or more regions precede the region where the packet under consideration is located ([0052]).

at least one pointer marker TLM adapted to provide in particular the length of the preceding region or regions ([0052]).

32. As to claims 5 and 16, Boliek discloses the pointer marker (TLM) adapted to provide the length of each region t.sub.i is present in the header data ([0052] and [0060]).

33. As to claims 6 and 17, Boliek discloses the pointer marker (PLT) adapted to provide the length of the data packets in a region t.sub.i is present in the header data of the region concerned ([0052]) and [0061]).

34. As to claims 7 and 27, Boliek discloses extracting and transmitting to the first communication apparatus said at least one data packet whose position has been determined ([0043]).

35. As to claim 8, Boliek discloses the request for obtaining digital data specifies at least one data packet of the signal ([0043]).

36. As to claim 9, Boliek discloses the request for obtaining digital data specifies part of the signal ([0043]).

37. As to claim 10, Boliek discloses subsequent to the request being received, the method comprises a step of identifying the data packet or packets necessary for the reconstruction of the part of the signal specified ([0042]).

38. As to claim 11 and 28, Boliek discloses a preliminary step of forming said at least one pointer marker in the signal, when such a marker is not present in the signal ([0064]).

39. As to claim 13 and 30, Boliek discloses:

receiving the header data coming from the original compressed digital signal present in the second apparatus, the received header data comprising at least one pointer marker TLM adapted to provide the length of the body of the original signal ([0033] and [0042], lines 5-12),

from the received header data, forming the derived compressed digital signal which thus comprises, as header data, the received header data and a signal body of length equal to that of the body of the original signal ([0045]), the body of the derived signal representing a space initially filled with arbitrary data and which is intended to contain the data packet or packets received from the second apparatus ([0045]).

40. As to claims 18 and 33, Boliek discloses:

receiving region header data ([0033] and [0042], lines 5-12),;

determining a position at which the received region header data must be inserted into the body of the derived signal ([0033]), the position being determined according to the length of the header data of the derived signal and, when one or more regions precede the region header data concerned, also according to one or more pointer markers TLM received previously and providing respectively the length of the preceding region or regions ([0052]);

inserting the received region header data at the position thus determined ([0045]).

41. As to claims 19 and 34, Boliek discloses the determination of the length of the part of the body of the derived signal preceding the data packet under consideration comprises a preliminary step of determining the order of appearance of said data packet in the body of the signal according to parameters relating to the structure and organization of the data in the signal ([0045], and [0052]).

42. As to claims 20 and 35, Boliek discloses:

extracting from the derived signal the header data and data packets received ([0042]);

forming the header data of the valid signal from the header data extracted from the derived signal ([0050]);

concatenating the data packets extracted from the derived signal in the body of the valid signal ([0045]); and

when one or more data packets present in the body of the original signal are not received by the first apparatus, concatenating respectively one or more empty packets in the body of the valid signal in the same order of appearance as that adopted in the derived signal ([0042]-[0043]).

43. As to claims 21 and 36, Boliek discloses going through the data contained in the body of the derived signal ([0042]);

when the data gone through do not correspond to a data packet received from the second apparatus, converting the space filled by the data concerned into an empty packet ([0042]);; and

shifting in an adapted manner the data constituting the remainder of the body of the derived signal ([0050]).

44. As to claim 22, Boliek discloses the data received by the first apparatus

constitute the reply to a request previously transmitted from the first apparatus to the second apparatus ([0042]).

**Conclusion**

45. For additional prior art made of record and not relied upon and considered pertinent to applicant's disclosure see attached Notice of References Cited, Form PTO-892.
46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
47. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
48. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

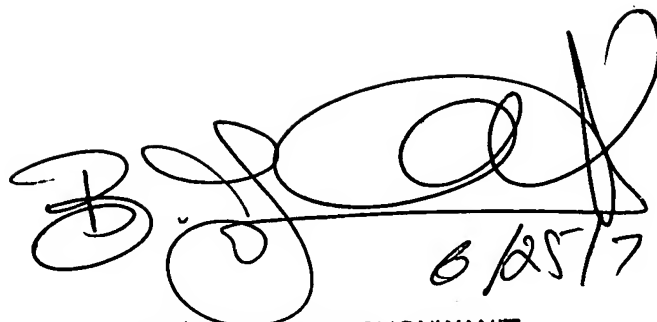


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TJD

6/22/2007



6/25/7

BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER